

REMARKS

Claims 1-19 are pending in the present application.

The Examiner has required restriction in the present application between:

Group I, claims 1-3, 10-14 and 17, drawn to a method for producing a substantially isolated neural cell, characterized in that the method comprises carrying out the suspension culture of embryonic stem cells in the presence of an astrocyte conditioned medium or ingredients substantially equivalent to the conditioned medium, thereby obtaining a neuron;

Group II, claims 1, 4-9, 15-16 and 18, drawn to a method for producing a substantially isolated neural cell, characterized in that the method comprises carrying out the suspension culture of embryonic stem cells in the presence of an astrocyte conditioned medium or ingredients substantially equivalent to the conditioned medium, thereby obtaining a glial cell; and

Group III, claims 1, 8, 9 and 19, drawn to a method for treating a neurodegenerative disease or nervous damage, characterized in that the method comprises introducing into a neurodegenerative site or a nervous damage site at least one cell selected from the group consisting of a substantially isolated neural stem cell, a substantially isolated neuron and a substantially isolated glial cell.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-3, 10-14 and 17.

With respect to a group of inventions claimed in an international application, unity of invention exists when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. Whether or not any particular technical feature makes a "contribution" over the prior art, and therefore constitutes a "special technical feature," should be considered with respect to novelty and inventive step.

However, if the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect of any claims that depend on the independent claims. MPEP § 1850 (II.).

Here, the Examiner admits of the presence of a technical feature linking the inventions of Groups I-III (i.e., substantially isolated neural cell). However, the Examiner offers Arnhold et al. as evidence that the present invention does not make a “contribution” over the prior art.

Applicants respectfully submit that Arnhold et al. does not render independent claim 1 unpatentable. Since independent claim 1 avoids the cited prior art, no problem of lack of unity arises and all of the pending claims should be examined on the merits.

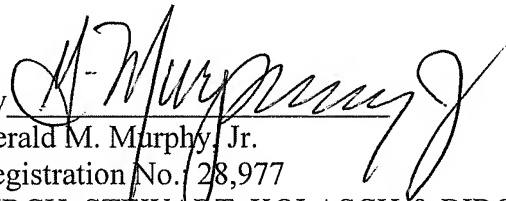
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Registration No 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

MTC
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